

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 485

Case No. 85-8C

April 14, 1986

(Prospect Joint Venture - PUD)

Pursuant to notice, a public hearing of the District of Columbia Zoning Commission was held on December 12, 16 and 19, 1985. At those hearing sessions, the Zoning Commission considered an application from Prospect Joint Venture for consolidated review and approval of a Planned Unit Development (PUD), and related map amendment, pursuant to Sections 7501 and 9101 respectively, of the Zoning Regulations of the District of Columbia. The public hearing was conducted in accordance with the provisions of Chapter 6 of the Rules of Practice and Procedure before the Zoning Commission,

FINDINGS OF FACT

1. The application, which was filed on June 26, 1985, requested consolidated review and approval of a PUD and a change of zoning from R-1-A to R-5-A for Lots 2-7, 801, 806, 809-811, 815-818 and 825-828, plus a portion of Porter Street to be closed, in Square 2225,
2. The applicant proposes to construct a single residential apartment building on the site, with a parking garage, outdoor pool and associated amenities.
3. The PUD site is located between Connecticut Avenue on the west Williamsburg Lane on the east and is bounded by Porter Street on the south, and Quebec Street on the north.
4. The site comprises approximately 5.9 acres of land and is improved with a vacant single-family dwelling known as 2726 Quebec Street. The remainder of the site is vacant and heavily vegetated with trees and shrubs.
5. The site is irregular in shape and the topography drops generally 120 feet from a high point along Quebec Street to a low point on Porter Street, with the most severe slopes to the north, east and west edges of the property. The effect is a "bowl" shape in the middle of the property, opening out onto Porter Street. Most of the substrata is rock, and is close to the surface,

6. The R-1-A District permits matter-of-right development of single-family residential uses for detached dwellings with a minimum lot area of 7,500 square feet, a minimum lot width of 75 feet, a maximum lot occupancy of forty percent, and a maximum height of three stories/forty feet.
7. The R-5-A District permits matter-of-right single-family detached and semi-detached dwellings, and with the approval of the Board of Zoning Adjustment low density development of general residential uses including rowhouses, flats, and apartments to a maximum floor area ratio (FAR) of 0.9, a maximum lot occupancy of forty percent, and a maximum height of three-stories/forty feet.
8. Under the PUD process of the Zoning Regulations, the Zoning Commission has the authority to impose development conditions, guidelines and standards which may exceed or be lesser than the matter of right standards identified above. The Commission may also approve uses that are permitted as a special exception by the Board of Zoning Adjustment.
9. The site is bordered on the west by the fourteen story Quebec House apartments at a density of 111 units per acre and further west the Adas Israel Congregation synagogue. Immediately to the east of the site are single-family homes fronting along Williamsburg Lane. Across a portion of the northern boundary of the site are single-family homes fronting along Quebec Street. To the northwest across Quebec Street, is the Quebec North apartment house at 81.5 units per acre. To the south across Porter Street is the Embassy of India and single-family homes over looking Rock Creek Park. Southwest of the site across Porter Street are two 3-story garden apartments at 37.5 units per acre and further to the southwest the Ordway Gardens apartments at 33-53 units per acre and the Tatham House at 43 units per acre.
10. The zoning pattern in the area of the PUD site includes R-5-A to the immediate west, northwest and southwest, and R-1-A to the immediate east, south and north. Further to the west are C-2-A and R-5-C Districts along Connecticut Avenue.
11. The District of Columbia Generalized Land-Use Element of the Comprehensive Plan includes the PUD site generally located in an area categorized as residential "low density (0-15 units per acre)" and borders an area categorized as residential "high density (91 + units per acre)".
12. The applicant, Prospect Joint Venture, is an entity

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comprised of the Richmarr Construction Corporation and the Prospect Corporation.

13. The applicant proposes to construct a multi-family apartment building of approximately 215,000 square feet of gross floor area to a height of ten stories stepping down to eight stories on the ends. Off-street parking will be provided at a rate of 1.33 per unit to be located in an underground parking garage. An outdoor pool and patio deck will be located over the garage. The lot occupancy will be approximately 10.56 percent, and the Floor Area Ratio (FAR) will be approximately 0.83,
14. A majority of the site will remain undisturbed in its natural wooded state and the existing single-family dwelling will be restored and retained as a part of the PUD site.
15. With the exception of the existing single family house, pedestrian and vehicular access to the site will be from Porter Street. There will be no access to the site from Quebec Street, except to the single-family house.
16. The density of the proposed development will be thirty-four units per acre, equal to or less than other multi-family developments in the area.
17. The apartment building will contain 202 units, ranging in size from approximately 613 gross square feet for a junior one bedroom unit, to approximately 1,220 gross square feet for a two bedroom unit.
18. The height of the apartment building will be measured from Quebec Street resulting in a negative height because the building will be lower than the point of measurement from Quebec Street. The height of the building as measured from the lobby elevation will be ninety-four feet, six inches.
19. The subject site has been subdivided since 1907, but has never been developed, except for three single family houses on the flat portions of the site. Two of the single-family houses have been razed and only one remains. Over 3½ years ago, the prior owners of the property developed a plan for a PUD for an eighteen story apartment building of 553 units, with a gross floor area of 480,787 square feet and 1.55 FAR. After discussions with the Office of Planning, the prior owners elected not to proceed with the PUD application.
20. Prospect Joint Venture then purchased the site for the purpose of constructing a residential development. After much analysis of the site, study of the prior

single building development proposal, and neighborhood reaction to that proposal, the applicant focused its efforts on a townhouse-style development for the site. The applicant determined that a matter of right development under the R-1-A requirements was infeasible due to the topography of the site and the massive amount of regrading and site clearing that would be associated with a matter-of-right development of single family detached dwellings.

21. Although 34 homes could be placed on the site using theoretical lots, the applicants architect began their analysis with a single family layout for twenty lots, leaving the most severe slopes in their natural state. However, this proposal resulted in extensive clearing of the site, blasting and removal of rock, and in driveways exceeding the permitted grade.
22. The applicant presented development proposals showing the maximum number of single family homes which could be placed on the site with an absolute minimum of site disturbance. Alternatives were presented showing five and ten single family homes and analyzed by the applicant's appraiser,
23. The applicant met with the neighborhood in May of 1984 to present a proposal for a ninety-eight unit "piggyback" townhouse development on the site. The neighborhood formed a Community Association to represent its interests, and examined the proposal. The applicant and the Community Association, through a series of site studies and development alternatives, determined that a single apartment building, built on the lowest part of the site, would allow preservation of a greater amount of existing vegetation and topography than would either a townhouse development or a matter-of-right single family development. Such a development would also allow for a greater setback of the building from the lot lines, and would require no vehicular access to Quebec Street,
24. In the ensuing 1½ years the applicant and the Community Association met to refine the single-building proposal. On-site studies were conducted by the applicant to determine the height of the proposed building, and the extent of visibility of the building from the surrounding properties. The negotiations between the applicant and the Community Association resulted in a Memorandum of Understanding, governing the development and use of the building. The Memorandum of Understanding is hereby incorporated in and attached to this order,
25. The applicant testified that the project has been

designed pursuant to the input of the Community Association and the Memorandum of Understanding such that the resulting building will nestle into the site, in a manner that preserves the existing natural vegetation, minimizes the appearance of the building from neighboring properties, and will have no adverse impact on its neighbors. The Memorandum of Understanding also governs the building height, number of units and parking spaces, permitted uses in the building, trash collection and loading functions, vehicular access, landscaping, active and passive recreation on the site, extinguishment of easements, antennas in the project, use of the pool, exterior lighting, disposition of the vacant house on Quebec Street, water pressure, roof structures, compliance with laws and regulations, on-street parking restrictions, and other issues.

26. Because of the sites naturally wooded environment and close proximity to Rock Creek Park, the Commission requested and the applicant agreed to discuss with the National Park Service the need for scenic easements or conservation areas on the undisturbed portions of the site.
27. The applicant indicated that because of the topography, the first four floors of the building will have a single Loaded corridor. The pool at the rear of the building is located at the fifth floor level of the building. The building design, which respects the topography to the maximum extent possible, results in a seventy percent efficiency in building design, rather than the typical eighty-four percent.
28. The applicant has employed an arborist to assist in the planning of the project, with the goal of retaining as much of the existing vegetation on site as possible. A landscape architect has also been employed, and additional plantings will be made in order to more fully screen the project from adjacent properties. The applicant has also committed to establishing a fund for the replacement of trees damaged during construction.
29. Although 202 parking spaces are required under Article 72 of the Zoning Regulations, the applicant proposes to provide 270 parking spaces, pursuant to the agreement with the Community Association, to ensure that the parking needs of the residents and visitors of the project are met. Eight parking spaces are proposed to be located in front of the building, to provide for adequate parking for short term pick-up and deliveries. The traffic and transportation consultant testified that the proposed spaces are more than adequate to serve the proposed project. All loading functions will

be carried out from loading docks located inside the building.

30. After consultation with the Department of Public Works, the applicant proposes to connect the building to the water supply in Quebec Street rather than to the closer water line in Porter Street. The applicant stated that it is to insure that there will be no adverse effect on water pressure for those properties on Williamsburg Lane that connect to the Porter Street water main, as well as to insure that there is sufficient pressure on the subject site for firefighting purposes. The water line will be connected in such a way that it will not disturb trees and other significant vegetation in the "undisturbed" area of the site and kept at least fifteen feet west of the common boundary line with lot 814.
31. The applicant testified that excavation on the site will be carried out in accordance with the D.C. Soil and Erosion Control Regulations, and will be coordinated by the Applicant's arborist, landscape architect and geotechnical engineer to insure that the slopes remain intact throughout the development process, and to utilize best management practices so that a maximum of existing trees can be saved on the site.
32. The applicant presented an economic analysis that indicated that extra costs for construction are associated with the interest costs for a one year delay during the negotiation phase with the Community Association; the additional parking provided over the requirements; the costs for rock excavation; and the higher cost per net square foot due to the fact that the first four floors of the building are single loaded, and the corresponding building efficiency is seventy percent, rather than the typical eighty-four percent. The total additional costs imposed on the project by these factors is \$1.83 million, not including the additional costs associated with a lower building efficiency. Testimony was introduced by the applicant's expert real estate appraiser that the return on investment to the applicant with the proposed project in this case is 12-13 percent. The appraiser also testified that the price paid for the land was consistent with other land sales in the District.
33. The appraiser analyzed the two alternate single family matter-of-right layouts for five and ten units, as presented by the applicant. He concluded that the cost per lot for the five and ten lot alternatives are two to three times the cost of other comparable lots in the City, and even if they could be sold, there would be a

negative return to the applicant. He also analyzed a scheme for 174 units, which would include removing a "typical" floor in the proposed building, lowering it to nine stories maximum, stepping down to seven stories on the sides. He concluded that the return on investment to the applicant would be two percent, which does not justify the risks associated with such development. The applicant testified that he would not proceed with either alternative.

34. The applicant through his civil engineer testified that the sanitary sewer is proposed to be connected to Porter Street, and that the existing storm drainage system in Porter Street is capable of handling the runoff to be expected from the subject site in a fifteen year storm. The civil engineer testified that he consulted with both the D.C. Department of Consumer and Regulatory Affairs, and the Department of Public Works, the Soil Conservation Service and with the National Park Service in conducting his studies and reaching his conclusions. To the extent that the District of Columbia does not have storm water management regulations in effect at present, the engineer referred to the regulations of Montgomery County to evaluate storm water management for the subject site in reaching his conclusions as to adequacy of the systems.
35. The civil engineer testified that a diversion dike will be placed around the site during construction to keep storm water from running through the disturbed area. In order to minimize disturbance of trees and vegetation, perimeter dike swales can be substituted for drainage areas of less than two acres. In addition, sediment control measures will be taken on the site, in accordance with D.C. laws and regulations. With regard to the necessity for sheeting and shoring, the civil engineer testified that the normal procedure is to retain a geotechnical engineer to determine the details about the necessity and extent of sheeting and shoring, and that this is usually done as the project proceeds in the initial site work.
36. The applicant testified through his traffic consultant that the proposal will have a minimal impact on the street system. He also testified about the availability of bus routes along Porter Street and bus and subway routes along Connecticut Avenue. He concluded that the applicant is providing nearly double the requirement of parking spaces in the building, based upon studies for car ownership in the vicinity. This is more than adequate for tenants and guests. He also stated that loading facilities on site are adequate to handle the volume of loading traffic

expected. He testified that, based on traffic volumes, there is no need to signalize the entrance to the project at Porter Street for traffic flow.

37. The applicant testified that the proposed project is consistent with the goals and objectives of the PUD process, and provide benefits which would otherwise not be guaranteed through a matter-of-right development, including:
- a. Development of a residential building of superior design that will enhance the architectural character of the neighborhood and provide an appropriate transition between the high-density high-rise apartment buildings to the west and the low density dwellings to the east, in conformity with the topography of the area.
 - b. Provision of housing to add to the limited housing resources of the District of Columbia in close proximity to public transportation.
 - c. Enhancement of the permanent character and stable values of the neighborhood.
 - d. Respect for the environmental concerns and limitations on the site by leaving the majority of the terrain and vegetation on the site in its undisturbed natural state, and a commitment to provide additional plantings and screening.
 - e. Closing of gaps in the existing streetscape to improve stability and security in the area.
 - f. Provision of on-site parking in an underground garage at a ratio of 1.33 per unit, in excess of the requirements of the Regulations, to ensure no spillover of parking onto the neighboring streets.
 - g. Individual balconies for the units, and a pool and deck for active and passive recreation of the residents.
 - h. Enclosed loading for the project inside the building-.
 - i. A pool and patio area over the parking garage, to the rear of the project, out of view of the neighbors.
 - j. Innovative building and site design.
 - k. Panoramic views of the Rock Creek Valley as

enhanced by the building design.

- l. Retention and renovation of the existing single family house on Quebec Street.
 - m. Increased tax revenues to the city.
 - n. Minimum potential impact on the light and air of adjacent buildings.
- 38, The applicant further stated that the proposed project is consistent with the Comprehensive Plan. Significant among those goals of the Comprehensive Plan which are achieved are the provisions of housing opportunities in the District of Columbia in close proximity to Metro, shopping and recreational areas, and development in a manner which protects the natural features of the site to the greatest extent possible, with a sensitive design and land use treatment. The proposal is also consistent with the Generalized Land Use Map. The site is generally located with an area designated as low density, and is on the edge of an area designated as high density residential. The map is a "soft edge" map. The predominant land use in the area designated "low density residential", after completion of the proposed project, will continue to be single family dwelling uses.
39. The District of Columbia Office of Planning (OP), by memorandum dated December 2, 1985, and by testimony presented at the public hearing, recommended that the application be granted. The OP finds that the critical issue associated with the application is the consistency of the applicant's proposal with the Comprehensive Plan, especially the Land Use Element and the Generalized Land Use Map calls for low density residential development in the form of single family detached and semi-detached dwelling units. The applicant proposes a residential use, but the density of that use is significantly greater than that envisioned by the Land Use Map. Despite the appearance of inconsistency, when the proposed density and form of development of the subject proposal are balanced against the policies of other Elements of the Comprehensive Plan, OP believes the consistency of the proposal with these other Elements makes this application acceptable. The policies of the Urban Design and the Environmental Protection Element of the Plan are of particular importance in the balancing process. Generally, these policies call for sensitive design alternatives on fragile sites. The OP feels the applicant's proposal furthers this goal by placing the proposed single, multi-family structure on a relatively flat portion of the site there by retaining to the

maximum extent possible the existing topography and natural vegetation. Further, as called for by the Housing Element, the applicant's proposal provides a significant number of new housing units for current and future D.C. residents.

40. The OP believes the site's close proximity to a Metrorail Station speaks favorably for the proposed density and renders the proposal consistent with the Transportation and Housing Elements of the Plan. Given the severe site constraints, its proximity to Metro and recognizing the size of the site, OP considers a density of 34 units per acre to be acceptable.
41. The OP believes the design of the proposed structure responds positively to both the site and surrounding development. Further, the structure's impact in terms of bulk is dissipated by the curving facade, the height step-down at either end of the structure, and the extensive natural/landscaped buffer surrounding the structure.
42. The Soil Resource Branch of the D.C. Department of Consumer and Regulatory Affairs by report dated January 26, 1986 and testimony at the hearing found no adverse affect from storm water flows and expected amounts of soil erosion from the subject site. The Soil Resource Branch concluded that the storm water system in Porter Street is capable of handling the proposed development, and that the amount of soil erosion expected is minimal. They pointed out that the applicant cannot receive building permits for the project until sediment and erosion control plans are submitted and approved by the Department of Consumer and Regulatory Affairs, and that compliance with D.C. Law 2-23 is mandatory in this instance.
43. The D.C. Department of Public Works (DPW), by memorandum dated December 3, 1985, addressed the impacts of the project on transportation, water and sewer services and determined the following:
 - a. The site is served by the Metrorail's Red Line at the Cleveland Park station on Connecticut Avenue, approximately 2,000 feet from the site. The site is also served by the Metrobus routes along Porter Street.
 - b. The trips generated by the project would not measurably change the level of service at Connecticut Avenue and Porter Street.
 - c. The proposed parking and loading are adequate to

accommodate the development.

- d. The water supply in Porter Street will not be adequate to meet good design practice when a fire flow is included.
 - e. The existing sanitary sewer and storm sewer systems are adequate to handle the project.
 - f. The proposed water connection to Quebec Street will have no effect on water pressure along Quebec Street on both the east and west sides of Connecticut Avenue.
 - g. Development of the site will have to conform to the Districts requirements for soil erosion control .
 - h. The applicant must coordinate all construction and design elements within public space with DPW and assume their cost,
44. The District of Columbia Public Schools (DCPS), by memorandum dated November 21, 1985, offered no opposition to the proposal, due to a projected minimal impact on neighborhood schools. DCPS reported that, in general, large apartment buildings do not generate significant numbers of students.
45. The District of Columbia Metropolitan Police Department (MPD), recommended approval of the project, MPD reported that the proposed development is not expected to generate any substantial increases in the need for police services.
46. The Rock Creek Glen Community Association and Crier Raclin appeared as parties in support of the application. They testified that all neighbors, including those along Quebec Street, Williamsburg Lane, Porter Street, and Klinge Ridge, were invited to join the resident association to work with the applicant in developing plans for the site. They further testified to:
- a. An independent land planner was retained and whose views were incorporated into the final project design,
 - b. The original proposed townhouse development would have negative impacts in terms of traffic, parking, destruction of natural vegetation and topography on the site, and privacy in the homes of Association members.

- c. The conduct of the negotiations, and the mutual desire to proceed with a single building in the center of the site, fronting on Porter Street.
 - d. The proposed development would be consistent with the desire of the neighborhood and the public to preserve as much of the area around Rock Creek Park and Melvin Hazen Park as possible.
 - e. Quebec Street, east of Quebec House, is actually a narrow driveway that is 9 feet wide in some spots, and that any development of the subject site which requires use of Quebec Street would have severe adverse impacts upon that street system,
 - f. They prefer the proposed development over a matter of right development of the site. They testified about earlier efforts to develop the site with institutional and high density residential uses, and prefer the proposed development herein.
 - g. Benefits of the proposal are that it preserves the vacant house on Quebec Street, as well as many of the mature trees on that lot; it ensures no adverse traffic impacts on Quebec Street from the proposed development; it ensures the preservation of large portions of the natural habitat for small animals; and it will not result in the widening of Quebec Street.
47. Advisory Neighborhood Commission 3C by letter dated December 4, 1985, and in testimony at the public hearing, supported the application with conditions. The conditions are as follows:
- a. That the rezoning be permitted to R-3, with an FAR of 0.6.
 - b. That the length of the building be reduced by 35 feet, and that the building be shifted east, to preserve vegetation and increase the setback from Quebec House.
 - c. That the height of the building be limited to 60 feet, as measured from Porter Street.
 - d. That the forest on the southwest and southeast corners of the site be preserved.
 - e. That adequate landscaping be provided to screen the building from residential areas on Quebec and Porter Streets and Williamsburg Lane.
 - f. The facade of the building be redesigned to soften

its appearance.

48. There were no parties in opposition to the application, either of record or at the hearing,
49. Two persons testified in opposition to the proposal at the hearing, and one, a resident of Williamsburg Lane, submitted a letter in opposition with an attached page containing signatures from residents of six other properties in the area. The witness testified that the proposal would be bad for the neighborhood and would set a precedent; that the development would require excavation; that the site should be developed with thirty to forty townhouses; and that the development will create traffic impacts. She stated that sites of irregular topography should not be developed, but should be given by the owner to the public. The second person in opposition was a resident of the Quebec House who testified as to the adverse impact on the view from her apartment to the subject site.
50. A letter dated December 5, 1985, was submitted to the record by Howard Frankel, President of the Quebec House Tenants Association. He stated that the development would require the felling of large trees on the site, which would destroy the view for residents of the Quebec House. He also expressed general concern with the increase in population and traffic. He proposed that the building be reduced in height and in length, and moved east a number of feet.
51. As to the concerns of the ANC, the Commission finds as follows:
 - a. Rezoning to R-5-A is appropriate because it is the least intensive apartment district and because the project, with a 0.83 FAR, is less dense than matter of right R-1-A development, which could go to an effective FAR of 1.2. The proposed FAR of 0.83 is also less than what would be allowed as a matter of right under R-3, which the ANC recommends. It is also less dense than all other apartment developments in the area.
 - b. The Commission finds the trees and vegetation at the west end of the building can be adequately preserved without the need for shortening the length of the building. The proposal to shorten the building and shift it east has corresponding impacts upon the viability of the project to retain the north-south ridge along the east side of the site, without having to cut into the ridge to construct the garage. The minimum distance between Quebec House and the proposed project is

140 feet at its closest point, The Commission is concerned that the building not shift to the west toward the Quebec House or to the south toward Porter Street. The Commission is satisfied that the concerns of ANC-3C can be met on this issue without having to shift the building.

- c. The Commission finds the ninety foot height acceptable on the subject site for the following reasons:
 - i. Location of the building at the lowest elevations of the site and set back from Porter Street;
 - ii. Screening of the proposed building from adjoining and nearby properties by the amount and extent of existing vegetation to be preserved and new vegetation to be planted and maintained; and
 - iii. Features of the design lessen the mass and scale of the building along Porter Street that include the stepping down of the roof on each end and the receding curve of the building away from Porter Street.
 - d. The revised landscape plan and the Memorandum of Understanding submitted into the record indicate the degree of landscaping and additional plantings that will be carried out, and the extent of retention of existing vegetation.
 - e. The Commission finds that the facade of the building, with its stepped down and curved configuration and selection of materials, creates a "soft" and less massive appearance.
 - f. The Commission disagrees with the ANC-3C proposal to reduce the height and mass of the building. The ANC proposal would result in a small reduction of one percent in the lot coverage. It would reduce the unit count from 202 to 87, with a building efficiency of approximately 50 percent, and an FAR of 0.41,
52. The Commission concurs with the reports of OP, DPW, DCPS, the Soil Resource Branch, and MPD regarding the lack of adverse impacts from the proposal.
53. The Commission agrees with some of the concerns expressed by the persons in opposition, and finds that any conditions imposed with this approval will

ameliorate any potential adverse impacts from the proposed project.

54. The proposed action of the Zoning Commission was referred to the National Capital Planning Commission (NCPC), under the terms of the District of Columbia Self Government and Governmental Reorganization Act, The NCPC, by report dated April 8, 1986, indicated that, subject to the guidelines, conditions and standards proposed by the Zoning Commission at its public meeting on March 10, 1986, the Planned Unit Development and related map amendment would not adversely affect the Federal Establishment or other Federal interests in the National Capital nor be inconsistent with the Comprehensive Plan for the National Capital.

CONCLUSIONS OF LAW

1. The Planned Unit Development process is an appropriate means of controlling development of the subject site, because control of the use and site plan is essential to ensure compatibility with the neighborhood,
2. The development of this PUD carries out the purposes of Article 75 to encourage the development of well-planned residential developments with more attractive and efficient overall planning and design not achievable under matter of right development.
3. The development of this PUD is compatible with city-wide goals, plans and programs, and is sensitive to environmental protection and energy conservation.
4. Approval of this application is not inconsistent with the Comprehensive Plan of the District of Columbia.
5. The approval of this application is consistent with the purposes of the Zoning Act.
6. The proposed application can be approved with conditions which ensure that the development will not have an adverse affect on the surrounding community, but will enhance the neighborhood and. ensure neighborhood stability.
7. The approval of this application will promote orderly development in conformity with the entirety of the District of Columbia zone plan, as embodied in the Zoning Regulations and Map of the District of Columbia,
8. The Zoning Commission has accorded to the Advisory Neighborhood Commission - 3C the 'great weight' to which it is entitled.

DECISION

In consideration of the Findings of Fact and the Conclusions of Law herein, the **Zoning** Commission of the District of Columbia hereby orders APPROVAL of a consolidated planned unit development for lots 2-7, 801, 806, 809-811, 815-818 and 825-828, in Square 2225, subject to the following guidelines, conditions, and standards:

1. The Planned Unit Development (PUD) shall be developed in accordance with plans prepared by CHK Architects and Planners, marked as Exhibit No. 23a and amended by Exhibits No. 37, 53, 60 and 73a of the record as modified by the guidelines, conditions and standards of this order.
2. The planned unit development shall consist of a residential apartment building, a parking structure, pool and deck area and an existing detached single-family dwelling as shown on the plans.
3. The apartment building shall consist of 202-units established under a condominium regime. There shall be no non-residential uses in the building.
4. The floor area ratio of the project shall not exceed 0.83.
5. The height of the building shall not exceed ninety-four feet, nine inches as shown on Sheet A-16 of Exhibit No. 23a as measured from the lobby elevation to the top of the roof. A parapet may be constructed above the height of the rooftop not to exceed forty-two inches.
6. The height of the building shall not exceed ten stories which steps down to eight stories on each end as shown on Exhibit No. 23A of the record.
7. The roof structure of the building shall not exceed 18.5 feet above the level of the roof on which it is located. No structures, other than structures containing required mechanical or stairway penthouses, and no television antenna equipment shall be placed on any roofs of the building. A dish antenna may be located on the ground level in the pool deck area.
8. Air handling equipment on the roof the building shall be designed to comply with all applicable environmental and noise control laws of the District of Columbia and shall be shielded to the extent necessary so as to minimize noise.

9. There shall be no active or passive recreational use of any roof of the building. The building shall be designed so that active and passive outdoor recreational use is confined within the site development area, to the deck above the underground garage and the area around the pool. Balconies or terraces below the top story of the building (including typically-sized balconies or terraces on the ninth and tenth floors above the set-back on the eighth floor) shall not be construed as an active or passive recreational use on any roof.
10. The lot occupancy for all buildings shall not exceed 10.66 percent.
11. There shall be 270 off-street parking spaces as shown on the plans marked as Exhibit No. 23a. Of the 270 spaces, eight shall be located outside in front of the building for short term parking. Handicapped spaces shall be provided as shown in Exhibit No. 23a.
12. Access to off-street parking and loading shall be as shown on Exhibit No. 23a. Loading docks and loading activities shall be located and carried out inside the building.
13. As residential units are sold, each conveyance shall be conditioned upon the conveyance of at least one off-street parking space per unit.
14. There shall be no renting of parking spaces to persons not residing at the subject premises.
15. A minimum of at least forty parking spaces shall be available exclusively for guests and employees at all times. Such spaces shall be clearly marked on the exterior of the site and within the garage.
16. Landscaping including provisions for street trees shall be provided as shown on the plan marked as Exhibit No, 73a.
17. The entire PUD site shall be placed into a single record lot. The existing house at 2726 Quebec Street shall:
 - a. be placed in a separate assessment and taxation lot ,
 - b. be rehabilitated,
 - c. be sold as a single-family dwelling, and
 - d. continue to be subject to the terms of this

planned unit development.

18. The applicant shall retain an arborist to assist in the planning and design of the project so as to minimize the disturbance of the site. A clearing line shall be established by the applicant as close as practicable to the building and the underground garage, in conformance with the clearing line shown on Sheet No. SP-3 of Exhibit No. 23a in order to delineate the site development area, within which construction activity is to be confined, The applicant shall carry out the development of the project with the intent of saving as many trees on the site as practicable. Trees which are located beyond the clearing line shall not be disturbed and this area shall remain in its present natural state.
19. The arborist is to be retained before, during and for three years after the construction process to advise the applicant concerning measures designed to save existing trees on the site where possible, restore trees damaged during construction which can be saved, and plant new trees where deemed advisable to prevent erosion and enhance the site. The arborist is to direct the planting of trees.
20. The applicant shall construct and pay for a water connection to the property from Quebec Street, as shown on Sheet No. C-1 Exhibit No. 23a. The water line shall be kept a minimum of 15 feet west of the common boundary line with Lot 814. The engineer, in consultation with the arborist and the landscape architect, shall determine the exact course for this pipe so that it does not endanger the continued viability of existing trees on site. After installation of the water line, the site area will be restored as nearly as possible to existing condition.
21. The engineer shall consult with the arborist and the landscape architect concerning the placement and installation of the diversion dike and the perimeter dike swale as shown on Sheet No. C-1, Exhibit **NG. 23a** with the objective to save as many trees as possible on the subject property. After completion of construction, the site area will be restored as nearly as possible to existing condition.
22. The applicant shall undertake all excavation and site clearing consistent with applicable District **Of** Columbia standards, such that soil erosion on the site is minimized. The applicant shall retain a geotechnical engineer to advise the applicant on these matters, and on the necessity and extent of sheeting and shoring, before such excavation work is undertaken,

The geotechnical engineer will work with the applicant in these areas throughout the excavation process.

23. The geotechnical engineer shall advise the applicant as to the necessity of sheeting and shoring of the project during excavation. Sheeting and shoring will be undertaken by the applicant upon advice of the geotechnical engineer and the arborist in those area where necessary to stabilize the land and to save existing trees on the site. Sheeting and shoring will not be required where it is not necessary and where it would not achieve the goals and objectives of the Commission to save as many trees on the site as possible.
24. The applicant shall discuss with representatives of the **National Park Service** whether **additional covenants for scenic easement or conservation areas** should be recorded, and if desired by the National Park Service, shall record such covenants.
25. Sewer connections, storm drainage and sediment control shall be provided as shown on Sheet No. C-1, Exhibit No. 23a.
26. The final architectural design shall be as shown on Exhibit No. 23a. Building material shall be as represented by the samples in Exhibit No. 53b. A dark red brick shall be used. Spandrel panels between windows shall be a dark opaque glass. The horizontal band at the roof and the first floor shall be an off-white concrete. Balcony rails shall be a lightly-tinted bronze glass. Balconies may not be enclosed.
27. Flexibility in the final design and location of the building, garage, pool deck, driveways, retaining walls and other similar features shall be in accordance with Sub-section 7501.84 of the Zoning Regulations with the following exceptions:
 - a. The location of the apartment building shall not move closer to the Porter Street right-of-way or closer to the western property line than that shown on Exhibit No. 23a.
 - b. The clearing line as described in Condition No. 18 of this order shall be established as close as practicable to the building and underground garage.
 - c. The water Line connection through the site from Quebec Street shall be consistent with the objectives of Condition No. 20 of this order.

- d. Placement and installation of the diversion dike and perimeter dike swale shall be consistent with Condition No. 21 of this order.
 - e. The pool as shown on Exhibit No. 23a may be shifted in order to better expose it to sunlight within the confines of the deck over the garage but in no event shall any additional trees be disturbed as a result of such shift.
28. The change of zoning from R-1-A to R-5-A shall be effective upon recordation of a covenant as required by Sub-section 7501.8 of the Zoning Regulations.
 29. No building permit shall be issued for this planned unit development until the applicant has recorded a covenant in the land records of the District of Columbia, between the owner and the District of Columbia, and satisfactory to the Office of the Corporation Counsel and the Zoning Regulations Division, which covenant shall bind the applicant and successors in title to construct on and use this property in accordance with the Order, or amendments thereof, of the Zoning Commission.
 30. When the covenant is recorded in the land records of the District of Columbia, the applicant shall file a certified copy of that covenant with the records of the Zoning Commission.
 31. The planned unit development approved by the Zoning Commission shall be valid for a period of two years from the effective date of this order. Within such time, application must be filed for a building permit, as specified in Paragraph 7501.81 of the Zoning Regulations. Construction shall start within three years of the effective date of this order.

Vote of the Zoning Commission taken at the public meeting on March 10, 1986: 3-1 (Lindsley Williams, Maybelle T. Bennett, and Patricia N. Mathews to approve with conditions - John G. Parsons, opposed; George M. White, not voting not having participated in the case).

This order was adopted by the Zoning Commission at its public meeting on April 14, 1986 by a vote of 3-1 (Lindsley Williams, Maybelle T. Bennett, and Patricia N. Mathews to adopt as amended - John G. Parsons, opposed; George M. White, not voting not having participated in the case).

In accordance with Section 4.5 of the Rules of Practice and Procedure before the Zoning Commission of the District of Columbia, this order is final and effective upon publication in the D.C. Register, specifically on MAY 30 1986 .

Patricia N. Mathews

PATRICIA N. MATHEWS

Chairperson
Zoning Commission

Edward L. Curry

EDWARD L. CURRY

Acting Executive Director
Zoning Secretariat

zco485/BOOTH3

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (hereinafter "Memorandum"), made as of this 28th day of February, 1985, between Rock Creek Glen Community Association (hereinafter "Association"), a District of Columbia not-for-profit corporation, and Prospect Joint Venture (hereinafter "Prospect"), a joint venture comprised of Richmarr Construction Corporation, a Delaware corporation, and Prospect Corporation, a District of Columbia corporation.

W I T N E S S E T H :

WHEREAS, Prospect is the owner of Lots 2, 3, 4, 5, 6, 7, 801, 806, 809, 810, 811, 815, 816, 817, 818, 825, 826, 827 and 828 in Square 2225 (hereinafter "subject site"); and

WHEREAS, Association is comprised of owners of property on Williamsburg Lane, N.W. and Quebec Street, N.W. surrounding the subject site which properties are further identified on the attached Exhibit A; and

WHEREAS, Prospect intends to seek approval from the District of Columbia Government for the construction of a multi-story residential building on its property as a Planned Unit Development pursuant to Article 75 of the District of Columbia Zoning Regulations with a related amendment to the Zoning Map in conjunction with such Planned Unit Development (hereinafter "P.U.D."); and

WHEREAS, Association wishes to ensure that there will be minimal impact as a result of the proposed development upon (i) the surrounding residential properties, (ii) the subject site's unique topographical and natural characteristics and (iii) the nearby public park land; and

WHEREAS, the parties agree that an alternative development of approximately 90 to 100 townhouse style multiple dwelling

units located throughout the entire site, **as** initially proposed by **Prospect**, would result in a greater amount of site clearance and adverse impacts on the environment and members of the **Association** than the proposal set forth *herein*; and

WHEREAS, representatives of Prospect and Association have had a series of meetings since May of **1984** for the purpose of discussing the plans and addressing the mutual concerns of the parties and such meetings have resulted in numerous changes to the overall planning and design concept for the project, as well as many other adjustments to the proposed plans: and

WHEREAS, Prospect has requested Association to set forth in writing the understandings which have been reached to date in order that Prospect can commence preparation of plans and drawings for the **P.U.D.**; and

WHEREAS, Association is willing to set forth its understandings on the conditions (i) that this Memorandum is deemed to be a statement of intent and thus preliminary, conceptual and general in nature and (ii) that the provisions hereof will be incorporated into recordable covenants and binding agreements in form and substance satisfactory to the parties: and

WHEREAS, the parties fully intend to act consistently with the terms of this Memorandum yet recognize and acknowledge that important corollary, supplementary or implementational provisions have *not yet been* agreed to or set forth *herein*; and

WHEREAS, the parties desire to memorialize the general terms of *the* understandings reached in accordance with the above provisions: and

WHEREAS, this Memorandum of Understanding shall form the basis for agreements to be entered into by the parties at a later date and which will set forth in greater detail the matters **enumerated** herein and related thereto:

NOW, THEREFORE, in consideration of the mutual **representations**, understandings and obligations hereinafter set forth, the parties, do hereby state **as follows**:

1. Prospect will file **a** consolidated Planned Unit Development Application, with a related change in zoning, in order to construct on its property a multi-story apartment building. Prospect intends at the present time **to** establish **a** condominium regime for the building. The building to be constructed on Prospect's property will be limited to **a** height of 10 stories, which height steps down to 8 stories on the east and west ends of the building a distance of 2 units from the end of the building. Height shall be measured from **a** point located immediately in front of the building. The footprint of the building **and** the underground parking garage covered by a landscaped pool area will conform as nearly as possible to the general site plan attached as Exhibit B, subject to the terms of **Paragraph 27**.

2. The building will contain no more than 206 residential units.

3. Loading docks will be located inside the building and all loading functions, other than trash pickups, will be accommodated by trucks which are located inside the building with the doors shut. Trash will be collected, compacted, placed in trash compactors and stored inside the building. All trash pickups will be performed with a minimum amount of noise and disturbance to neighboring residents.

4. There will be no non-residential uses in the building.

5. There is to be no vehicular or pedestrian access to the site from Quebec Street. However, if the District of Columbia Fire Department requires an emergency access roadway to the building from Quebec Street, Prospect may provide one near the westernmost end of the Quebec Street portion of the subject

site, subject to approval by the District of Columbia, provided the access thereto is blocked **for** all other purposes, and further provided that such emergency access roadway is located in such a manner **as** to cause the least amount of damage to existing trees as is practicable. In addition, the parties (working together and individually) will attempt to convince the Fire Department that no such emergency roadway is desirable or needed.

6. Prospect will retain an arborist to assist the parties in the planning and design of the project so as to minimize the disturbance of the site and to implement the purposes set forth below in this Paragraph. A clearing line will be established by Prospect as close as practicable to the building and the underground garage, generally in conformance with the clearing line shown on Exhibit B, in order to delineate the site development area, within which construction activity is to be confined. Prospect will design the project with the intent of saving as many trees on the site as practicable. Trees which are located beyond the clearing line will not be disturbed and this area shall remain in its present natural state. For a period of one year after construction is completed, Prospect will plant trees in lieu of trees which are severely damaged **or** die as a direct result of its construction activity. Immediately after approval of the P.U.D. and recordation of the covenant required by Article 75 of the Zoning Regulations, Prospect shall establish a fund in the sum **of** \$15,000 for the purpose of tree and other planting to replace trees that are severely damaged or die as a result of the project and for other measures which are determined by the Association to be reasonably necessary to help prevent trees from dying on site or otherwise protect the natural character of the site. Monies in the Fund **(i)** shall be placed in a money market or equivalent fund with interest added to the principal of the fund), **(ii)** shall be under the control of the

Association, (iii) shall not be available for use by Prospect in satisfying its obligations to plant trees during the foregoing one year period, and (iv) shall not be available for use by the Association for any purposes inconsistent with the stated purposes set forth in this Paragraph 6.

7. There will be no active or passive recreational use of any roof of the building. The building will be designed so that active and passive outdoor recreational use is confined within the site development area to the deck above the underground garages and the area around the pool. Balconies or terraces below the top story of the building (including typically-sized balconies or terraces on the ninth and tenth floors above the set-back on the eighth floor) shall not be construed as an active or passive recreational use on any roof. Benches may also be placed in front of the building for the use of the building occupants. No recreational or other use is to be made of the unhisturbed wooded portion of the site beyond the clearing line and such area shall remain undisturbed except as specifically provided for elsewhere in this Agreement.

8. Prospect will plant trees in order to screen the building from view by adjacent residential properties of members of the Association to the north and east. Prospect will plant trees on the rear of the Strauss property (as agreed upon by Prospect, Association and the Strauses) at the beginning of the construction phase so that these trees may mature as the building is built. Prospect will plant trees, shrubs and other vegetation on its own property along the north-south and east-west ridges, where appropriate, to reasonably screen the building from view, from the Williamsburg Lane and Quebec Street properties of members of the Association to the greatest extent practicable consistent and compatible with the natural condition of the undisturbed areas. A final determination as to the location of this

...ing will be made on the **basis** of on-site inspections and evaluations by representatives of Prospect, the arborist, **and the** Association once the frame of the building **is** complete.

9. Representatives appointed by the Association will be consulted by Prospect **as** the design of the building is developed, refined and finalized. The Association shall be free to express any issues or concerns it has regarding the color, materials, detailing and design features of the building to interested parties (including, without limitation, the Zoning Commission) after the above consultations if Association believes its issues and concerns have not been satisfactorily addressed by Prospect.

10. The parties agree to work together to mutually extinguish easements between Rock Creek Park, **Hazen Park** and Porter Street **as** they affect the properties of the parties.

11. Prospect will grant access, by **way** of an easement, to members of the Association who wish to connect with any master television antenna, satellite receiver antennae or dish, conduit or operational wire that may be placed on top of or connected to the proposed building. Members of the Association shall have access to such antennas under the same terms and conditions **as** are applicable to residents of the development. Prospect shall install at its own cost a conduit and operational wire to a mutually agreed upon point along the clearing line, and an operational wire from that point to **a** mutually agreed upon point along the property line, in order to allow the interconnection of the master antenna to the houses of Association members. In so locating the conduit wire, it is the intent **of** the parties to avoid locating the wire in the undisturbed wooded portion of the site, and if this is not practicable, to minimize to the greatest extent possible, any disturbance of the natural vegetation in the wooded areas of the site. Installation costs for interconnection with

the conduit and operational wire shall be the responsibility of participating Association members.

12. Both parties recognize the unique characteristics of the subject site and its unsuitability for other usage and will thus request that the Zoning Commission include in its final order a statement that the approval of the project by the District of Columbia Government is not to be construed in any way as a precedent for future action by the City along or near Porter Street between Connecticut Avenue and Rock Creek Park or elsewhere in the immediate neighborhood.

13. Prospect will limit the hours **of** operation of the pool to reasonable hours and will establish a night curfew. Membership at the pool is to be limited to tenants of the building and their guests and, on the same terms and conditions, to members of the Association. (The provisions permitting the use of the pool by Association members will not be binding upon the successors of Prospect). There will be appropriate landscaping of the deck around the pool.

14. The existing house on Quebec Street owned by Prospect, (located on existing lot 809 shown on Exhibit C-1), together with a new record lot to be created (which will approximate the boundaries as shown on Exhibit C-2) will be offered for sale at a reasonable price no later than six (6) months after the effective date of a Zoning Commission order granting approval to the P.U.D. Such property will be included in the P.U.D. application. Prospect will request and make best efforts to obtain a condition to a final order of the Zoning Commission approving the project that the property be subdivided out of the subject site for purposes of sale as a single family residence, and that such property will not be further regulated by such Zoning Commission order. Such property shall be sold as a single family home, either before or after renovation. Prospect will employ best

efforts to accomplish such sale. Members of Association shall have the right of **first** refusal on the purchase of the property. The property may be subject to any necessary easements in order, to carry out the purposes of Paragraph 5 of this Memorandum.

15. Prospect will examine the issue of water pressure in the neighborhood and the effect of the proposed construction on the water pressure. Representatives **of** Prospect will contact the District of Columbia Department of Public Works and will work cooperatively with Association to encourage the resolution of the existing water pressure problems on Williamsburg Lane and Quebec Street and to avoid any additional water pressure problems in the area. In the event the District of Columbia or a qualified engineer indicates in writing that water pressure to the houses of Association members will diminish as a result of the project, the Association shall be free to express any issues or concerns it has regarding such water pressure to interested parties (including, without limitation, the Zoning Commission). In addition, if the development of the project by Prospect directly results in the diminution **of** water pressure or other similar adverse effect to members of the Association, Prospect will remedy such diminution or adverse effect as soon as possible by any necessary means provided such remedies **are** permitted by the District of Columbia. Prospect shall have the right to have water pressure tests conducted on the property of Association members both prior to commencement of construction and after completion **of** construction of the project to determine the extent, if any, to which the construction of the project has any direct impact on **the** water pressure of Association members. The foregoing tests shall only take place after reasonable notice is first provided to Association members and shall not unreasonably interfere with the real or personal property of Association members.

16. Prospect agrees that there will be established an ongoing system of involvement and discussion between Prospect and the Association in the final plans and design Of the project both before and after the Zoning Commission hearing and during major construction activity. The parties agree to negotiate in good faith on issues not anticipated at the time of this-Memorandum.

17. There will be reasonable lighting on the subject site. Lighting fixtures will be installed such that light rays are not directed onto or over adjacent properties. There will be no lighting fixtures installed beyond the clearing line.

18. Prospect shall reimburse the Association \$5,000.00 upon execution of this Memorandum for costs incurred for services performed by its planning consultant in connection with this project.

19. Air handling equipment on the roof of the subject building will be designed to comply with all applicable environmental and noise control laws of the District of Columbia and will be shielded to the extent necessary so as to minimize noise.

20. Prospect shall build a minimum of 1.33 parking spaces per unit, which number shall include a minimum of at least eight (8) outdoor short term spaces in front of the building and employee and guest parking spaces within the garage. If the residential units in the building are sold, each conveyance of a residential unit shall be conditioned upon the conveyance of at least one parking unit. Irrespective of the total number of parking spaces provided and irrespective of whether the parking spaces are sold or not, a minimum of forty (40) parking spaces shall be available exclusively for guests and employees at all times. All short term spaces will be clearly marked and an effective enforcement system devised to carry out their purpose. There shall be pick-up and drop-off areas in front of the building and within the garage. Guest and employee parking will be

clearly marked on the exterior of the site and within the garage. Once the final unit count and unit mix of the building are determined, Prospect reserves the right to build additional indoor parking spaces if, in its judgment, it is deemed necessary to do so provided such additional spaces do not cause the expansion of the dimensions of the underground garage.

21. The pool which is shown on Exhibit B may be shifted in order to better expose it to sunlight within the confines of the roof deck over the garage but in no event shall any additional trees be disturbed as a result of such shift.

22. No structures, other than structures containing required mechanical or stairway penthouses and television antenna equipment, will be placed on any roofs of the building.

23. Construction activity on the subject site will comply with all applicable District of Columbia requirements concerning noise, sediment control, erosion, pollution and other similar regulations and will be carried out in a manner so as to minimize adverse impacts on Association members.

24. Prospect recognizes its obligations under the Planned Unit Development Regulations of the District of Columbia. The parties also recognize that the proposed project is subject to final review and approval by the District of Columbia government, and that there may be requirements or restrictions imposed upon the proposed project, not contemplated by the parties at the time of execution of this document, which Prospect is required by law to follow. If its proposal is approved, Prospect will execute and record among the land records of the District of Columbia appropriate covenants with the District of Columbia Government to ensure construction of the project in accordance with the approved plans. Prospect will also enter into additional agreements with the Association concerning the ongoing obligations of Prospect and other matters of concern to the Association. These

additional **agreements** will be **agreements or recorded** covenants running with the land (in perpetuity), or both, as appropriate. Such **agreements or covenants** will contain appropriate sanction provisions in order to ensure full compliance with the terms thereof by Prospect and its successors and assigns. The parties intend to execute such agreements and/or covenants as soon as possible.

25. The parties agree to use best efforts to oppose any on-street (i.e., curb) parking on Porter Street.

26. The pool area and balance of the deck of the parking garage will be landscaped or screened in order to minimize the amount of visible improved deck surface.

27. Prospect will immediately study the feasibility (including the economic and environmental impacts) of relocating the parking garage shown on Exhibit **B** towards its western property line (whether such relocation is as little as a few feet or any greater amount practicable) and will use its best efforts to accomplish the above relocation in order that as many trees along the ridge line shown on Exhibit **B** can be retained and remain undamaged.

28. The Association will support the application based upon the understandings contained in this Memorandum and upon further understandings and agreements as may be reached by the parties. Assuming no default by Prospect in the terms of this Agreement, the Association will personally appear, through designated representatives of the Association, at appropriate times before the Advisory Neighborhood Commission and the Office of Planning prior to the public hearing, and before the District of Columbia Zoning Commission during the public hearing to register its support for the 10 story residential building and project which is the subject of this Agreement.

29. This Memorandum shall be executed in two original counterparts but both shall be regarded as one and the same document.

WITNESS:

Sharon M. Edwards

Bary Stone

WITNESS:

PROSPECT JOINT VENTURE

By:

Richard Kirstein
Richard Kirstein
Richmarr Construction Corp.

Lawrence N. Brandt
Lawrence N. Brandt
Prospect Corporation

ROCK CREEK GLEN COMMUNITY
ASSOCIATION, INC.

By:

Grier C. Raclin
Grier C. Raclin
President

MEMBERS OF THE ROCK CREEK GLEN COMMUNITY ASSOCIATION

As of February 28, 1985

<u>HOUSEHOLD</u>	<u>SQUARE</u>	<u>LOT</u>	<u>ADDRESS</u>
Gray	2224	814	3501 Williamsburg Lane, N.W. Washington, DC 20008
Briqqs	2224	806, 819	3529 Williamsburg Lane, N.W. Washington, DC 20008
Holman	2224	816	3535 Williamsburg Lane, N.W. Washington, DC 20008
Clausen	2224	800, 801	3539 Williamsburg Lane, N.W. Washington, DC 20008
Steiner	2225	834	3518 Williamsburg Lane, N.W. Washington, DC 20008
King	2225	9	3524 Williamsburg Lane, N.W. Washington, DC 20008
Lemp	2225	832	3540 Williamsburg Lane, N.W. Washington, DC 20008
Raclin	2225	831	3544 Williamsburg Lane, N.W. Washington, DC 20008
Barman	2225	835	3550 Williamsburg Lane, N.W. Washington, DC 20008
Armstrong & Guss	2225	819, 820 821	2620 Quebec Street, N.W. Washington, DC 20008
Narrow	2225	836	2700 Quebec Street, N.W. Washington, DC 20008
Bain	2225	813	2710 Quebec Street, N.W. Washington, DC 20008
Straus	2225	814	2714 Quebec Street, N.W. Washington, DC 20008

NOTE: The Association reserves the right to amend the list so as to include additional members who are successors in title to the above listed properties, as well as to the present and/or future owners of lots 8 and 805 in Square 2225 and lots 1, 811, 812, 813, 817, 820, 821 and 822 in Square 2224. Such substitutions shall be made before the date of the first hearing held before the District of Columbia Zoning Commission regarding the development proposed in the attached Memorandum of Understanding.

EXHIBIT A

EET

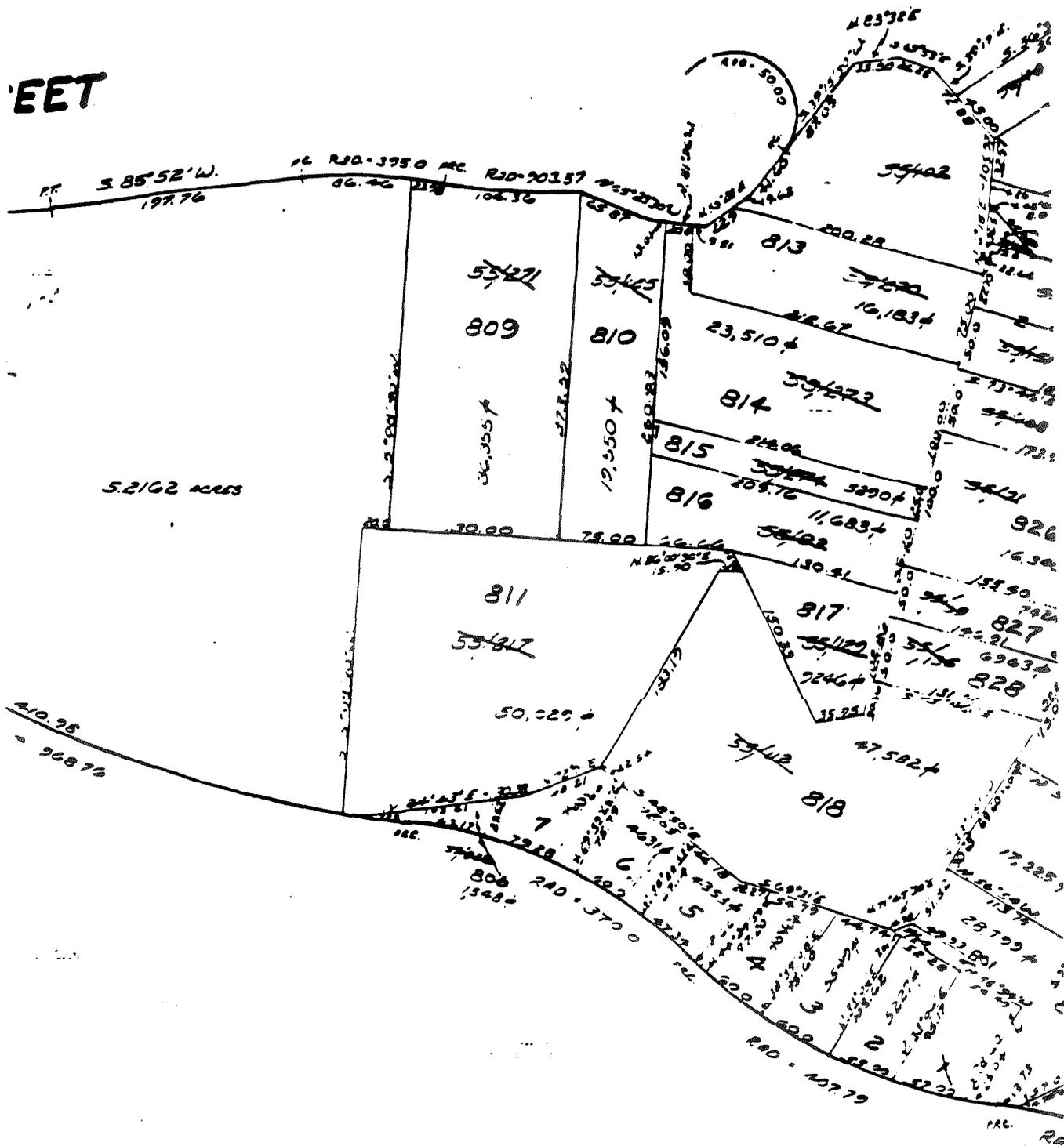


EXHIBIT C-1